

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE FIRSTENERGY CORP.	:	
SECURITIES LITIGATION,	:	Case No. 2:20-cv-03785
	:	
This document relates to:	:	Chief Judge Algenon L. Marbley
	:	
ALL ACTIONS.	:	Magistrate Judge Kimberly A. Jolson

MFS SERIES I TRUST, et al.,	:	
	:	Case No. 2:21-cv-05839
Plaintiffs,	:	
	:	Chief Judge Algenon L. Marbley
v.	:	
	:	Magistrate Judge Kimberly A. Jolson
FIRSTENERGY CORP., et al.,	:	
	:	
Defendants.	:	

BRIGHTHOUSE FUNDS TRUST II: – MSF VALUE PORTFOLIO, et al.,	:	
	:	Case No. 2:22-cv-00865
Plaintiffs,	:	
	:	Chief Judge Algenon L. Marbley
v.	:	
	:	Magistrate Judge Kimberly A. Jolson
FIRSTENERGY CORP., et al.,	:	
	:	
Defendants.	:	

ORDER BY SPECIAL MASTER
REGARDING THE ASSESSMENT OF COSTS AND FEES AGAINST SAMUEL C.
RANDAZZO AND SUSTAINABILITY FUNDING ALLIANCE OF OHIO, INC.

On November 6, 2023, the undersigned issued an Order granting Plaintiffs' motion to compel against Samuel C. Randazzo and Sustainability Funding Alliance of Ohio, Inc. ("SFAO"). (Order, ECF No. 554.)¹ In that Order, the undersigned ordered in part as follows:

Non-parties Randazzo and SFAO will bear (a) the costs of complying with this Order; (b) the reasonable costs and fees Plaintiffs incurred in connection with the recent related motion briefing; (c) Plaintiffs' reasonable fees and costs for preparing for and participating in the relevant portion of the October 19, 2023 oral argument; and (d) the costs billed by the Special Master for the relevant portion of the October 19, 2023 oral argument and the preparation of this Order, as designated in the upcoming invoice. If Plaintiffs and non-parties Randazzo and SFAO are unable to agree on (a)-(c) within 14 days from the date of filing of this Order, Plaintiffs shall file for these fees and costs to be awarded by the Special Master, providing supporting authority and a proposed order for such an award.

(*Id.* at PageID 12007.) Randazzo and SFAO timely objected, and Chief Judge Marbley and Magistrate Judge Jolson overruled the substantive objections in a January 11, 2024 Order & Opinion. (Order, ECF No. 618.)

In that same document, Chief Judge Marbley and Magistrate Judge Jolson also directed the undersigned to convert the portions of the November 6, 2023 Order addressing the assessment of costs and fees, including the Special Master compensation, into a Report and Recommendation. (*Id.* at PageID 13712.) Alternatively, Chief Judge Marbley and Magistrate Judge Jolson indicated that the undersigned could withdraw these aspects of the discovery order. (*Id.* at PageID 13710.)

Subsequent to the filing of the January 11, 2024 Order & Opinion by Chief Judge Marbley and Magistrate Judge Jolson, Plaintiffs indicated in a January 11, 2024 email to the undersigned the following:

In light of the Court's Order Overruling Non-Parties' Randazzo and SFAO Objections (ECF 618) and in the interest of expediting a final resolution of Plaintiffs' Motion to Compel Discovery and Compliance with the Court's April 5, 2023 Order (ECF 496), as well as other pending disputes, Plaintiffs withdraw their pursuit of

¹ Unless otherwise expressly indicated, all references to documents filed on the docket shall be in Case No. 2:20-cv-03785.

fees and costs associated with the discovery disputes addressed in ECF 618. Accordingly, Plaintiffs respectfully ask that the Special Master withdraw the portions of ECF 554 at PageID 12007, ¶(4)(b)-(d).

Given this request, the undersigned withdraws ¶ 4 from the November 6, 2023 Order.

Non-parties Randazzo and SFAO will bear the costs of complying with the discovery order. Plaintiffs shall bear the costs incurred in connection with the related motion to compel briefing and their fees and costs for preparing for and participating in the relevant portion of the October 19, 2023 oral argument. The costs billed by the undersigned for the relevant portion of the October 19, 2023 oral argument and the preparation of the November 6, 2023 Order will be assessed against the parties equally as provided in the default split set forth in the September 12, 2023 Order Appointing Special Master. (Order, ECF No. 541 at PageID 11688.)

IT IS SO ORDERED.

/s/ Shawn K. Judge
SHAWN K. JUDGE (0069493)
SPECIAL MASTER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 12, 2024, the foregoing was filed with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Shawn K. Judge
Shawn K. Judge (0069493)